

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN THE MATTER:

JUAN J HERNANDEZ AGOSTO

Debtor(s)

FIRSTBANK PUERTO RICO
Movant

CASE NO.: 14-09225 [ESL]

CHAPTER 13

(X) An action against the State
under Title 11 USC §1307(c) (1) and
§1307(c) (6), Title 11 USC §1326

MOTION TO DISMISS

TO THE HONORABLE COURT:

Comes now Movant, **FIRSTBANK PUERTO RICO**, through its undersigning attorney, and very respectfully ALLEGES, STATES and PRAYS:

1. This Honorable Court have jurisdiction under Title 28 USC §1334, and venue under Title 28 USC §1408, and particularly regarding this matter under Title 11 USC §1307(c) (1), (4) and (6), on Conversions and Dismissals, and Title 11 USC §1326, on Payments.

2. Debtor filed a bankruptcy case under chapter 13 back on November 6, 2014. See, Bkcy Dck no 1

3. MOVANT, standing to address this court is ascertained as filed an unsecured proof of claim, on a personal security loan deficiency, with an outstanding debt of \$4,856.96, under account no 0013. See, Clm Reg. 2.

4. As of to May 31, 2018 debtor(s) already appear to have the following installments owed to the chapter 13 Trustee: \$400.00, for TWO (2) months in arrears, and remains in arrears for TWO (2) post- petitions as of to July 30, 2018. See, Attachment A and B.

5. Under the terms of the confirmed plan dated June 29, 2015 debtor(s) should have started to make continues payments since December 6, 2014, and as evidenced herein, the debtor(s) have failed to do so. See, Bkcy Dck no 1 and 49.

6. Pursuant to the Service Members Civil Relief Act: - the data banks of the Department of the Defense Manpower Data Center confirmed that the debtor(s) is (are) not member(s) of the Uniformed Services (US Armed Forces, Navy, Marine Corps, Air Force, NOAA, Public Health, and Cost Guard.) See, Attachment C.

Case no. 14-09225 [ESL]
FIRSTBANK Puerto Rico
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For the reasons stated above, MOVANT respectfully request from this Court to enter an order dismissing the present case pursuant Title 11 USC §1307(c)(1) on ~~Unreasonable delay by debtor that is prejudicial to Creditors, (5) denial of confirmation of a plan under 1325 of this title and denial of a request made for additional time for filing another plan or a modification of a plan~~, 11 USC §1326 (a) (1) ~~Unless the court orders otherwise, the debtor shall commence making the payments proposed by a plan within 30 days after the plan is filed, payments not later than 30 days after the date of the filing of the plan or the order for relief, whichever is earlier~~, and (6) on ~~Material default by the debtor with respect to a term of a confirmed plan, and Title 11 USC §1324 (b) on hearing of confirmation that shall to be held not earlier than 20 days and not later than 45 days after the date of the meeting of creditors under section 341 (a).~~

The aforementioned request of dismissal is based on congressional intent to prevent bankruptcy abuse

NOTICE

Within thirty (30) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this motion has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, this motion will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

Puerto Rico Local Bankruptcy Rule 9013-1(h)

In San Juan, Puerto Rico, on August 1, 2018

CERTIFICATE OF SERVICE

I hereby certify that a copy was served by CM/ECF at the authorized address: - to all creditors, - to Atty. Alejandro Oliveras // Atty. José Carrión Morales, as Chapter 13 Trustee, and - to the attorney of the debtor(s) ROBERTO FIGUEROA CARRASQUILLO, and to debtor(s) by regular mail at the address on record, JUAN J HERNANDEZ AGOSTO, at URB BONEVILLE HEIGHT, 87 CAYEY ST., CAGUAS, PUERTO RICO 00727.

BY: /s/ María M. Benabe Rivera
María M. Benabe Rivera
Attorney for Movant - US - DC 208906
Maricarmen Colón Díaz - US - DC 211410
FIRSTBANK Puerto Rico
Centro de Servicios al Consumidor - Código 248
1130 Muñoz Rivera Ave., Rio Piedras, P R
PO Box 9146, San Juan, PR 00908-0146
maria.benabe@firstbankpr.com
(787)729-8135 / (787)729-8276 / [Rev.10/2017]

FIRSTBANK

Analysis Sheet to Determine Arrears to Trustee

In Re	: JUAN HERNANDEZ AGOSTO
Case Number	: 14-09225 ESL / AOR
Account Number	: 0013 (DEF. / AUTO)
Date of File	: 11/06/14
Amount of Proof of Claim	: 4,856.96
Plan	: 500 X 4 (2,000) 200 X 1 (200) 0 X 1 (0) 200 X 54 (10,800)
Monthly Payment of	: 200.00
Pass term	: 42
Total paid in to plan	: 9,000.00
Should have paid in	: 9,400.00
Amount in Arrears	: 400.00 (2 ARREARS)
Printed on	: 05/31/2018
Prepared by	: Sara Lacén

Attachment

PRINT INQUIRY

Close Window

Click Here to Print this Page

14-09225-ESL

JUAN JOSE HERNANDEZ AGOSTO

\$200.00 MO Bar Date(s):

3/17/2015 (has passed) 5/5/2015 (has passed)
Confirmed: 7/20/2015
Case Status: ACTIVE-INT 2 AUDIT

Trustee: ALEJANDRO OLIVERAS RIVERA

Attorney: ROBERTO FIGUEROA CARRASQUILLO*

Debtor Pay Schedules

Start Date	Number Periods	Amount	How Often	Who's Paying	Order Date	Action
12/6/2014	4.00	\$500.00	MONTHLY	JUAN JOSE HERNANDEZ AGOSTO	11/13/2014	
4/6/2015	1.00	\$200.00	MONTHLY	JUAN JOSE HERNANDEZ AGOSTO	7/2/2015	
5/6/2015	1.00	\$0.00	MONTHLY	JUAN JOSE HERNANDEZ AGOSTO	7/2/2015	
6/6/2015	54.00	\$200.00	MONTHLY	JUAN JOSE HERNANDEZ AGOSTO	7/2/2015	
12/6/2019	end of plan	\$0.00	MONTHLY	JUAN JOSE HERNANDEZ AGOSTO	7/2/2015	

Forgive Information

Date	Amount	Description
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Payments Expected for Step 1:

Period	Start Date	End Date	Payment Amount Expected	Total
1	12/6/2014	1/5/2015	\$500.00	\$500.00
2	1/6/2015	2/5/2015	\$500.00	\$1,000.00
3	2/6/2015	3/5/2015	\$500.00	\$1,500.00
4	3/6/2015	4/5/2015	\$500.00	\$2,000.00
Total				\$2,000.00

Payments Expected for Step 2:

Period	Start Date	End Date	Payment Amount Expected	Total
1	4/6/2015	5/5/2015	\$200.00	\$200.00
Total				\$200.00

Payments Expected for Step 3:

Period	Start Date	End Date	Payment Amount Expected	Total
1	5/6/2015	6/5/2015	\$0.00	\$0.00
Total				\$0.00

Payments Expected for Step 4:

Period	Start Date	End Date	Payment Amount Expected	Total
1	6/6/2015	7/5/2015	\$200.00	\$200.00
2	7/6/2015	8/5/2015	\$200.00	\$400.00
3	8/6/2015	9/5/2015	\$200.00	\$600.00
4	9/6/2015	10/5/2015	\$200.00	\$800.00
5	10/6/2015	11/5/2015	\$200.00	\$1,000.00
6	11/6/2015	12/5/2015	\$200.00	\$1,200.00
7	12/6/2015	1/5/2016	\$200.00	\$1,400.00
8	1/6/2016	2/5/2016	\$200.00	\$1,600.00
9	2/6/2016	3/5/2016	\$200.00	\$1,800.00
10	3/6/2016	4/5/2016	\$200.00	\$2,000.00
11	4/6/2016	5/5/2016	\$200.00	\$2,200.00
12	5/6/2016	6/5/2016	\$200.00	\$2,400.00
13	6/6/2016	7/5/2016	\$200.00	\$2,600.00
14	7/6/2016	8/5/2016	\$200.00	\$2,800.00
15	8/6/2016	9/5/2016	\$200.00	\$3,000.00
16	9/6/2016	10/5/2016	\$200.00	\$3,200.00
17	10/6/2016	11/5/2016	\$200.00	\$3,400.00
18	11/6/2016	12/5/2016	\$200.00	\$3,600.00
19	12/6/2016	1/5/2017	\$200.00	\$3,800.00
20	1/6/2017	2/5/2017	\$200.00	\$4,000.00
21	2/6/2017	3/5/2017	\$200.00	\$4,200.00
22	3/6/2017	4/5/2017	\$200.00	\$4,400.00
23	4/6/2017	5/5/2017	\$200.00	\$4,600.00
24	5/6/2017	6/5/2017	\$200.00	\$4,800.00
25	6/6/2017	7/5/2017	\$200.00	\$5,000.00
26	7/6/2017	8/5/2017	\$200.00	\$5,200.00
27	8/6/2017	9/5/2017	\$200.00	\$5,400.00
28	9/6/2017	10/5/2017	\$200.00	\$5,600.00
29	10/6/2017	11/5/2017	\$200.00	\$5,800.00
30	11/6/2017	12/5/2017	\$200.00	\$6,000.00
31	12/6/2017	1/5/2018	\$200.00	\$6,200.00
32	1/6/2018	2/5/2018	\$200.00	\$6,400.00
33	2/6/2018	3/5/2018	\$200.00	\$6,600.00
34	3/6/2018	4/5/2018	\$200.00	\$6,800.00
35	4/6/2018	5/5/2018	\$200.00	\$7,000.00
36	5/6/2018	6/5/2018	\$200.00	\$7,200.00
37	6/6/2018	7/5/2018	\$200.00	\$7,400.00
38	7/6/2018	8/5/2018	\$200.00	\$7,600.00
39	8/6/2018	9/5/2018	\$200.00	\$7,800.00
40	9/6/2018	10/5/2018	\$200.00	\$8,000.00
41	10/6/2018	11/5/2018	\$200.00	\$8,200.00
42	11/6/2018	12/5/2018	\$200.00	\$8,400.00
43	12/6/2018	1/5/2019	\$200.00	\$8,600.00
44	1/6/2019	2/5/2019	\$200.00	\$8,800.00
45	2/6/2019	3/5/2019	\$200.00	\$9,000.00
46	3/6/2019	4/5/2019	\$200.00	\$9,200.00
47	4/6/2019	5/5/2019	\$200.00	\$9,400.00
48	5/6/2019	6/5/2019	\$200.00	\$9,600.00
49	6/6/2019	7/5/2019	\$200.00	\$9,800.00
50	7/6/2019	8/5/2019	\$200.00	\$10,000.00
51	8/6/2019	9/5/2019	\$200.00	\$10,200.00
52	9/6/2019	10/5/2019	\$200.00	\$10,400.00
53	10/6/2019	11/5/2019	\$200.00	\$10,600.00
54	11/6/2019	12/5/2019	\$200.00	\$10,800.00
Total				\$10,800.00

Payments Expected for Step 5:

Period	Start Date	End Date	Payment Amount Expected	Total
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1	12/6/2019	1/5/2020	\$0.00	\$0.00
2	1/6/2020	2/5/2020	\$0.00	\$0.00
3	2/6/2020	3/5/2020	\$0.00	\$0.00
4	3/6/2020	4/5/2020	\$0.00	\$0.00
5	4/6/2020	5/5/2020	\$0.00	\$0.00
Total				\$0.00

Breakdown for Combined Schedules

Period	Date (Month/Year)	Payment Due	Payment Received	Forgive Amount	Amount Due
1	12/2014	\$500.00	\$500.00		\$0.00
2	1/2015	\$500.00	\$500.00		\$0.00
3	2/2015	\$500.00	\$500.00		\$0.00
4	3/2015	\$500.00	\$500.00		\$0.00
5	4/2015	\$200.00			\$200.00
6	5/2015	\$0.00			\$200.00
7	6/2015	\$200.00	\$400.00		\$0.00
8	7/2015	\$200.00			\$200.00
9	8/2015	\$200.00			\$400.00
10	9/2015	\$200.00	\$800.00		(\$200.00)
11	10/2015	\$200.00			\$0.00
12	11/2015	\$200.00	\$200.00		\$0.00
13	12/2015	\$200.00			\$200.00
14	1/2016	\$200.00			\$400.00
15	2/2016	\$200.00	\$200.00		\$400.00
16	3/2016	\$200.00	\$600.00		\$0.00
17	4/2016	\$200.00			\$200.00
18	5/2016	\$200.00	\$400.00		\$0.00
19	6/2016	\$200.00			\$200.00
20	7/2016	\$200.00	\$400.00		\$0.00
21	8/2016	\$200.00			\$200.00
22	9/2016	\$200.00	\$400.00		\$0.00
23	10/2016	\$200.00			\$200.00
24	11/2016	\$200.00	\$400.00		\$0.00
25	12/2016	\$200.00			\$200.00
26	1/2017	\$200.00	\$400.00		\$0.00
27	2/2017	\$200.00			\$0.00
28	3/2017	\$200.00	\$200.00		\$0.00
29	4/2017	\$200.00	\$200.00		\$0.00
30	5/2017	\$200.00	\$200.00		\$0.00
31	6/2017	\$200.00			\$200.00
32	7/2017	\$200.00	\$200.00		\$200.00
33	8/2017	\$200.00			\$200.00
34	9/2017	\$200.00	\$200.00		\$200.00
35	10/2017	\$200.00			\$400.00
36	11/2017	\$200.00	\$401.00		\$199.00
37	12/2017	\$200.00	\$200.00		\$199.00
38	1/2018	\$200.00	\$200.00		\$199.00
39	2/2018	\$200.00	\$199.00		\$200.00
40	3/2018	\$200.00			\$400.00
41	4/2018	\$200.00	\$400.00		\$200.00
42	5/2018	\$200.00			\$400.00

Total Delinquent Amount: \$400.00



PAYMENT SCHEDULES - CASE 14-09225

Which Debtor: **JUAN JOSE HERNANDEZ AGOSTO**

Schedule Number: **1**

Start Date	Number Periods	Amount	How Often	Who's Paying	Order Date	Action
12/6/2014	4.00	\$500.00	MONTHLY	JUAN JOSE HERNANDEZ AGOSTO	11/13/2014	
4/6/2015	1.00	\$200.00	MONTHLY	JUAN JOSE HERNANDEZ AGOSTO	7/2/2015	
5/6/2015	1.00	\$0.00	MONTHLY	JUAN JOSE HERNANDEZ AGOSTO	7/2/2015	
6/6/2015	54.00	\$200.00	MONTHLY	JUAN JOSE HERNANDEZ AGOSTO	7/2/2015	
12/6/2019	end of plan	\$0.00	MONTHLY	JUAN JOSE HERNANDEZ AGOSTO	7/2/2015	

Click to View Debtor schedules.

Breakdown for Combined Schedules

Period	Date (Month/Year)	Payment Due	Payment Received	Forgive Amount	Amount Due
1	12/2014	\$500.00	\$500.00		\$0.00
2	1/2015	\$500.00	\$500.00		\$0.00
3	2/2015	\$500.00	\$500.00		\$0.00
4	3/2015	\$500.00	\$500.00		\$0.00
5	4/2015	\$200.00			\$200.00
6	5/2015	\$0.00			\$200.00
7	6/2015	\$200.00	\$400.00		\$0.00
8	7/2015	\$200.00			\$200.00
9	8/2015	\$200.00			\$400.00
10	9/2015	\$200.00	\$800.00		(\$200.00)
11	10/2015	\$200.00			\$0.00
12	11/2015	\$200.00	\$200.00		\$0.00
13	12/2015	\$200.00			\$200.00
14	1/2016	\$200.00			\$400.00
15	2/2016	\$200.00	\$200.00		\$400.00
16	3/2016	\$200.00	\$600.00		\$0.00
17	4/2016	\$200.00			\$200.00
18	5/2016	\$200.00	\$400.00		\$0.00
19	6/2016	\$200.00			\$200.00
20	7/2016	\$200.00	\$400.00		\$0.00
21	8/2016	\$200.00			\$200.00
22	9/2016	\$200.00	\$400.00		\$0.00
23	10/2016	\$200.00			\$200.00
24	11/2016	\$200.00	\$400.00		\$0.00
25	12/2016	\$200.00			\$200.00

Attachment B

26	1/2017	\$200.00	\$400.00	\$0.00
27	2/2017	\$200.00	\$200.00	\$0.00
28	3/2017	\$200.00	\$200.00	\$0.00
29	4/2017	\$200.00	\$200.00	\$0.00
30	5/2017	\$200.00	\$200.00	\$0.00
31	6/2017	\$200.00		\$200.00
32	7/2017	\$200.00	\$200.00	\$200.00
33	8/2017	\$200.00	\$200.00	\$200.00
34	9/2017	\$200.00	\$200.00	\$200.00
35	10/2017	\$200.00		\$400.00
36	11/2017	\$200.00	\$401.00	\$199.00
37	12/2017	\$200.00	\$200.00	\$199.00
38	1/2018	\$200.00	\$200.00	\$199.00
39	2/2018	\$200.00	\$199.00	\$200.00
40	3/2018	\$200.00		\$400.00
41	4/2018	\$200.00	\$400.00	\$200.00
42	5/2018	\$200.00		\$400.00
43	6/2018	\$200.00	\$400.00	\$200.00
44	7/2018	\$200.00		\$400.00

Total Delinquent Amount: \$400.00



Status Report Pursuant to Servicemembers Civil Relief Act

SSN:

Birth Date: Oct-XX-1989

Last Name: HERNANDEZ AGOSTO

First Name: JUAN

Middle Name: J

Status As Of: Jul-30-2018

Certificate ID: Y6JZ0287J9VZHGL

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty			

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty. HOWEVER, WITHOUT A SOCIAL SECURITY NUMBER, THE DEPARTMENT OF DEFENSE MANPOWER DATA CENTER CANNOT AUTHORITATIVELY ASSERT THAT THIS IS THE SAME INDIVIDUAL THAT YOUR QUERY REFERS TO. NAME AND DATE OF BIRTH ALONE DO NOT UNIQUELY IDENTIFY AN INDIVIDUAL.

Michael V. Sorrento, Director
Department of Defense - Manpower Data Center
400 Gigling Rd.
Seaside, CA 93955

Label Matrix for local noticing
0104-3
Case 14-09225-ESL13
District of Puerto Rico
Old San Juan
Thu May 31 08:20:37 AST 2018

FIRSTBANK PR
PO BOX 9146
SAN JUAN, PR 00908-0146

RELIABLE FINANCIAL SERVICES
PO BOX 21382
SAN JUAN, PR 00928-1382

US Bankruptcy Court District of P.R.
Jose V Toledo Fed Bldg & US Courthouse
300 Recinto Sur Street, Room 109
San Juan, PR 00901-1964

01 Dish Network
1327 Highway 2 Wes
Kalispell, MT 59901

11 Dish Network
Po Box 57547
Jacksonville, FL 32241-7547

Dpto Transportacion Y Obras Publicas
PO Box 41269
San Juan, PR 00940-1269

EASTERN AMERICA INSURANCE AGENCY
PO BOX 9023862
SAN JUAN PR 00902-3862

Enhancrcvrco
PO Box 57547
Jacksonville, FL 32241-7547

FIRSTBANK
CONSUMER SERVICE CENTER
BANKRUPTCY DIVISION- CODE 248
PO BOX 9146,SAN JUAN, PR 00908-0146

First Bank De Puerto Rico
PO Box 9146
San Juan, PR 00908-0146

(p)STELLAR RECOVERY INC
PO BOX 48370
JACKSONVILLE FL 32247-8370

US Dept of Education
Claims Filing Unit
PO Box 8973
Madison, WI 53708-8973

West Financial
PAN AM
PO Box 659705
San Antonio, TX 78265-9705

ALEJANDRO OLIVERAS RIVERA
ALEJANDRO OLIVERAS CHAPTER 13 TRUS
PO BOX 9024062
SAN JUAN, PR 00902-4062

JUAN JOSE HERNANDEZ AGOSTO
URB BONNEVILLE HEIGHT
87 CALLE CAYEY
CAGUAS, PR 00727-4903

MONSITA LECAROS ARRIBAS
OFFICE OF THE US TRUSTEE (UST)
OCHOA BUILDING
500 TANCA STREET SUITE 301
SAN JUAN, PR 00901

ROBERTO FIGUEROA CARRASQUILLO
PO BOX 186
CAGUAS, PR 00726-0186

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

(d)RELIABLE FINANCIAL SERVICES, INC.
P.O. BOX 21382
SAN JUAN, PR 00928-1382

Stellar Rec
1327 US Highway 2 W
Kalispell, MT 59901-3413

End of Label Matrix
Mailable recipients 17
Bypassed recipients 0
Total 17